

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TEAM WORLDWIDE CORPORATION,

Plaintiff,

v.

ACADEMY, LTD d/b/a ACADEMY SPORTS +
OUTDOORS,

Defendant.

Case No. 2:19-cv-00092-JRG-RSP

LEAD CASE

ACE HARDWARE CORPORATION,

AMAZON.COM, INC., AMAZON.COM LLC,

BED BATH & BEYOND INC.,

COSTCO WHOLESALE CORPORATION,

DICK'S SPORTING GOODS, INC.,

HOME DEPOT PRODUCT AUTHORITY, LLC,
HOME DEPOT U.S.A., INC.,

MACY'S RETAIL HOLDINGS, INC.,
MACY'S.COM, LLC,

TARGET CORPORATION,

SEARS, ROEBUCK AND CO., SEARS
HOLDINGS CORPORATION, TRANSFORM SR
LLC, AND TRANSFORM KM LLC,

Defendants.

Case No. 2:19-cv-00093-JRG-RSP

Case No. 2:19-cv-00094-JRG-RSP

Case No. 2:19-cv-00095-JRG-RSP

Case No. 2:19-cv-00096-JRG-RSP

Case No. 2:19-cv-00097-JRG-RSP

Case No. 2:19-cv-00098-JRG-RSP

Case No. 2:19-cv-00099-JRG-RSP

Case No. 2:19-cv-00100-JRG-RSP

Case No. 2:20-cv-00006-JRG-RSP
CONSOLIDATED CASES

**PLAINTIFF TEAM WORLDWIDE CORPORATION'S UNOPPOSED MOTION FOR
ORAL ARGUMENT ON PENDING OBJECTIONS TO MAGISTRATE JUDGE
PAYNE'S REPORT AND RECOMMENDATIONS (DKT. NOS. 411-414 AND 416)**

Plaintiff Team Worldwide Corporation (“TWW”) hereby requests oral argument under Local Rule 7(g) for its objections (Dkt. No. 416) and for Defendants’¹ objections (Dkt. Nos. 411-414) to the Magistrate Judge’s Report and Recommendation (Dkt. No. 393, “R&R”) on Defendants’ Motion for Summary Judgment on Marking and Motion for Summary Judgment of No Early Priority Date respectively.

TWW respectfully submits oral argument is necessary as the resolution of Defendants’ Motion for Summary Judgment on Marking has a significant impact on TWW’s case at trial, including the damages expert’s reports and evidence presented at trial.

Consistent with the Court’s typical practice, Defendants do not believe oral argument is required or necessary for TWW’s Objections (Dkt. 416), as Magistrate Judge Payne has now addressed the patent marking and attendant damages issues twice (*see* Dkt. 393 at 6-9 and Dkt. 408), including after hearing oral argument on the same during the pretrial conference (*see* Dkt. 407 at 6-19, 102-108). Defendants also do not believe oral argument is required or necessary for Defendants’ Objections (Dkt. Nos. 411-414). However, Defendants do not oppose TWW’s request for oral argument, and if the Court wishes to hear oral argument on TWW’s Objections, then Defendants also request that oral argument be heard on Defendants’ Objections.

For the foregoing reasons, TWW respectfully requests the Court schedule oral argument for both TWW and Defendants’ objections to the R&R.

Respectfully Submitted,

Date: May 12, 2021

/s/ Korula T. Cherian

¹ Defendants are Academy, Ltd. d/b/a Academy Sports + Outdoors; Ace Hardware Corporation; Amazon.com, Inc. and Amazon.com LLC; Bed Bath & Beyond Inc.; Costco Wholesale Corporation; Dick’s Sporting Goods, Inc.; Home Depot Product Authority, LLC; Macy’s Retail Holdings, Inc. and Macy’s.com, LLC; Target Corporation; and Sears, Roebuck and Co., Sears Holdings Corp., Transform SR LLC and Transform KM LLC.

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, which will automatically notify all registered counsel of record.

*/s/ Korula T. Cherian
Counsel for Plaintiff Team
Worldwide Corporation*

CERTIFICATE OF CONFERENCE

I hereby certify that counsel of record for the parties met and conferred on May 10, 2021 by telephone and on May 11, 2021 by email. The parties were able to reach agreement on the matters described above.

/s/ Korula T. Cherian